IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ERICA SHANNON,

Plaintiff,

v. Case No.: 1:16-cv-1245

JAADI CORPORATION, and
ARCHANA D. GANDHI,

Defendants.
____/

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, ERICA SHANNON, by and through her undersigned counsel, hereby sues the Defendants, JAADI CORPORATION, and ARCHANA D. GANDHI, and in support thereof alleges as follows:

INTRODUCTION

1. Plaintiff brings this action for unpaid wage compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. § 201, *et seq*. Plaintiff seeks damages for unpaid wages, liquidated damages, injunctive relief, declaratory relief, and a reasonable attorney's fee and costs.

JURISDICTION

2. Jurisdiction is conferred on this Court by Title 28 U S.C. §1337 and by Title 29 U.S.C. §216(b).

VENUE

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(1) because Defendant, JAADI CORPORATION, has offices located in Caldwell County, Texas.

THE PARTIES

4. Plaintiff is an individual who resides in Caldwell County, Texas, and worked for Defendants from August 28, 2013, through November 22, 2016, as a "Housekeeper," and her primary duties were to make up beds, take out garbage, wash linens, etc. Plaintiff was paid at the rate of $5.00 per room for checkouts, and $4.00 per room for stay-overs.

5. Defendant, JAADI CORPORATION, is a corporation formed and existing under the laws of the State of Texas and at all times material to this complaint, maintained and operates a hotel named Lockhart Inn in Caldwell County, Texas,

6. Defendants, ARCHANA D. GANDHI, are residents of Caldwell County, Texas.

COMMON ALLEGATIONS

7. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1337 and by Title 29 U.S.C. §216(b). At all times pertinent to this complaint, JAADI CORPORATION, was an enterprise engaged in interstate commerce.

8. At all times pertinent to this Complaint, Defendants regularly owned and operated businesses engaged in commerce or in the production of goods for commerce as defined by §3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s).

9. Plaintiff was individually engaged in commerce and her work was essential to Defendants' business.

8. Defendant, JAADI CORPORATION, has employees subject to the provisions of 29 U.S.C. § 206 in the facility where Plaintiff was employed.

9. At all times material to this complaint, Defendant, JAADI CORPORATION, employed two or more employees and had an annual dollar volume of sales or business done of at least $500,000.00.

10. At all times material to this complaint, Defendant, JAADI CORPORATION, was an enterprise engaged in interstate commerce, operating a business engaged in commerce or in the production of goods for commerce as defined by § 3(r) and 3(s) of the Act, 29 U.S.C. §§ 203(r)-(s).

11. At all times material hereto, Defendants, ARCHANA D. GANDHI,

actively ran the business of Defendant, JAADI CORPORATION, on a day-to-day basis and acted directly or indirectly in the interest of Defendant, JAADI CORPORATION, in relation to Plaintiff's employment and was substantially in control of the terms and conditions of the Plaintiff's work.

12. *Inter alia*, Defendants, ARCHANA D. GANDHI, had the ability to hire and fire plaintiff; and, controlled plaintiff's rate of pay and method of pay, schedule, and conditions of employment and was the Plaintiff's employer as defined by 29 U.S.C. §203(d).

13. Defendants either knew about or showed reckless disregard for the matter of whether their conduct was prohibited by the FLSA and failed to act diligently with regard to their obligations as employers under the FLSA.

14. Defendants failed to act reasonably to comply with the FLSA, and so Plaintiff is entitled to an award of liquidated damages in an equal amount as the amount of unpaid wages deemed to be owed pursuant to 29 U.S.C. § 216(b).

15. Plaintiff is also entitled to an award of reasonable and necessary attorneys' fees, costs, expert fees, mediator fees and out-of-pocket expenses incurred by bringing this action pursuant to 29 U.S.C. § 216(b) and Rule 54(d) of the Federal Rules of Civil Procedure.

16. Plaintiff has retained the law firm of Ross Law, P.C., to represent him

in this action. Plaintiff has entered into a valid contract with Ross Law, P.C., and has appointed the undersigned counsel to be her sole agent, attorney-in-fact, and representative in this suit, exclusive of all other parties, including Plaintiff. To avoid tortious interference with Plaintiff's obligations to her attorneys in this suit, all communications concerning this suit must be made by Defendants and Defendants' attorneys solely to and through the undersigned counsel. Plaintiff's contract with and representation by the undersigned attorney gives rise to a claim for reasonable and necessary attorney's fees that Plaintiff is entitled to collect against Defendants pursuant to 29 U. S. C. § 216(b).

17. During one or more weeks of Plaintiff's employment with Defendants, Plaintiff worked in excess of forty (40) hours.

18. Throughout the employment of Plaintiff, the Defendants repeatedly and willfully violated Sections 7 and 15 of the Fair Labor Standards Act by failing to compensate Plaintiff at a rate not less than one and one-half times her regular rate of pay for each hour worked in excess of 40 in a workweek. Instead, Plaintiff was paid per room cleaned without any additional half-time premium. Plaintiff's work schedule fluctuated depending upon the number of rooms the Defendants had rented out the night before.

19. Defendants paid Plaintiff in cash and did not maintain any tie records

as required under the FLSA. Defendant paid Plaintiff cash in order to avoid the requirements of the FLSA and her obligations to report Plaintiff's income and pay the social security, unemployment and other employment taxes the Defendants were required to remit to the appropriate governmental agencies.

20. As a result of Defendant's unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime wages which were not paid that should have been paid.

21. The acts described in the preceding paragraphs, *supra*, violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for all hours worked in excess of 40 per workweek.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands Judgment, jointly and severally, against Defendants for the following:

a. Unpaid overtime wages found to be due and owing;

b. An additional amount equal to the amount of overtime wages found to be due and owing as liquidated damages;

c. Prejudgment interest in the event liquidated damages are not awarded;

d. Reasonable attorneys' fees, costs, expert fees, mediator fees and out of pocket expenses incurred by bringing this action pursuant to 29 U.S.C. § 216(b) and Rule 54(d) of the Federal Rules of Civil Procedure; and,

e. For any such other relief as the Court may find proper, whether at law or in equity.

COUNT II. UNPAID MINIMUM WAGES

22. Plaintiff re-alleges and incorporated paragraphs 1-17, and 19-20, *supra*, as if fully set forth herein.

23. During one or more weeks of Plaintiff's employment with Defendants, Plaintiff performed work and was paid less than the then-current minimum wage amount of $7.25 per hour.

24. Throughout the employment of Plaintiff, the Defendants repeatedly and willfully violated Sections 7 and 15 of the Fair Labor Standards Act by failing to compensate Plaintiff at a rate not less than the then-current minimum wage of $7.25 per hour for each hour worked in a workweek.

25. Defendants willfully failed to pay Plaintiff minimum wage for each hour worked in a workweek; thus, pursuant to 29 U.S.C §216(b), Plaintiff is entitled to recover liquidated damages in an amount equal to her unpaid minimum wages for to be due and owing and her attorney's fees and costs incurred as a result a having brought this action.

26. As a result of Defendant's unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of minimum wages which were not paid that should have been paid.

27. The acts described in the preceding paragraphs, *supra*, violate the Fair Labor Standards Act, which prohibits the denial of minimum wage compensation for all hours worked in a workweek.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands Judgment, jointly and severally, against Defendants for the following:

a. Unpaid minimum wages found to be due and owing;

b. An additional amount equal to the amount of minimum wages found to be due and owing as liquidated damages;

c. Prejudgment interest in the event liquidated damages are not awarded;

d. Reasonable attorneys' fees, costs, expert fees, mediator fees and out of pocket expenses incurred by bringing this action pursuant to 29 U.S.C. § 216(b) and Rule 54(d) of the Federal Rules of Civil Procedure; and,

e. For any such other relief as the Court may find proper, whether at law or in equity.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted, November 22, 2016.

Respectfully submitted,

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